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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,986	05/02/2006	Qingian Zeng	60,469-097; OT-5220	4969
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CARLSON GASKEY & OLDS 400 W MAPLE STE 350 BIRMINGHAM, MI 48009			EXAMINER KRUER, STEFAN	
			ART UNIT 3654	PAPER NUMBER
			MAIL DATE 11/24/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/577,986	<b>Applicant(s)</b> ZENG ET AL.	
	<b>Examiner</b> Stefan Kruer	<b>Art Unit</b> 3654	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, see Page 6, Line 14, and Page 8, Line 12, filed 14 August 2008, with respect to the pending claims and rejection(s) of **Claims 17 - 20** under U.S.C. 103, respectively, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made below. Claim language as underlined below indicates the discrepancies of the claim language as previously prosecuted and that as submitted under Article 34.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 17 - 20** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 17**, Line 5, recites the limitation "the" in "the platform weight". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1 – 11 and 12 - 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson et al (4,361,208) in view of Smith (US 2003/0010577).

**Re: Claims 1 – 11**, Jackson et al disclose an elevator car assembly (10, Fig. 2) comprising:

- a frame (12, including, 14, 16, 18 and 20, 32 and 34, Col.2, L. 46 - 66);
- a platform (122) adjustably supported upon said frame, said platform being selectively adjustable relative to said frame;
- wherein said frame includes a plank beam (34) that is attached to an upright (18, 20) secured near each end of said plank beam and comprising at least one brace (172, 170) mounted between said platform and said upright, said brace stabilizing said platform in a selected position relative to said plank beam;
- wherein said brace includes a slot (to accept 144, Col. 6, L. 9) and a corresponding one of said uprights supports a member (144) that is received in said slot, said member operative to secure said brace in a selected position relative to said upright;
- wherein said brace comprises a steel sheet (Col. 1, L. 29);
- A plurality of braces (170, 172, Fig. 1) mounted in a substantially V-shaped orientation between said platform and said upright;
- wherein said braces are secured to said upright by a single fastener (144);
- wherein said braces includes a slot and said member comprises a fastener (not depicted, nut for a “bolt”, e.g. 178, 192, 198) at least partially received through said slots to secure said braces to said upright;
- wherein said brace includes a slot near an end (184, Fig. 1) of said brace (approximate 148) that cooperates with said platform such that said end is adjustable relative to said platform (via slot 158 of platform) to alter a position of said platform relative to said plank beam;
- wherein said brace includes a second slot (approximate 144) near an opposite end (174) of said brace that cooperates with said upright such that said opposite end is adjustable relative to said upright to alter a position of said platform;

- wherein the platform is adjustable relative to the frame in at least a first direction within a plane of said platform and in a second direction that is not parallel to said plane (Fig. 2); and
- including a plurality of fixed length braces (170, 172 and 136) securing said platform in a selected position relative to said frame, respectively; however,

Jackson et al are silent with respect to their platform being selectively adjustable relative to said frame for balancing said assembly, other than achieving a "...proper alignment.." (Col. 6, L. 56) prior to tightening their members.

Attention is directed to Smith who teaches his assembly comprising a platform extending equidistantly (supported equally by braces 25 – 28, Para. 0013 & 0022) on opposing sides of his upright (comprising 29 - 31).

It would have been obvious to one of ordinary skill in the art to modify the reference of Jackson et al with the teaching of Smith for utility.

In reference to the claim language referring to *for balancing said assembly*, intended use and other types of functional language must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. In re Casey, 152 USPQ 235 (CCPA 1967); In re Otto, 136 USPQ 458, 459 (CCPA 1963).

**Re: Claims 12 - 15**, Jackson et al disclose an elevator car frame assembly (10, Fig. 2) comprising:

- a first upright (18), a second upright (20), a horizontal member secured between said first upright and said second upright (34), and a platform (122) at least partially adjustably supported upon said horizontal member, at least one brace (150) adjustably securing said platform to said first upright into a selected position;

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- wherein said brace comprises a slot (158, Col. 5, L. 47) and including a fastener (148) that is at least partially received through said slot to secure said brace to said first upright, said slot having a dimension that is larger than a dimension of said fastener;
- wherein said brace comprises a second slot (162) and including a second fastener (168, Col. 6, L. 53) that is at least partially received through said second slot to secure said brace to said platform, said slot having a dimension that is larger than a dimension of said fastener; and
- a plurality of fixed-length braces (170, 172) adjustably mounted to said platform and said uprights, respectively; however,

Jackson et al are silent with respect to their platform being selectively adjustable relative to said frame for balancing said assembly, other than achieving a "...proper alignment.." (Col. 6, L. 56) prior to securely tightening their fasteners, as well as their slot(s) having a dimension ...to permit said brace to be longitudinally moveable relative to said fastener into a selected position.

Attention is directed to Smith who teaches his assembly comprising a platform extending equidistantly (supported equally by braces 25 – 28, Para. 0013 & 0022) on opposing sides of his upright (comprising 29 - 31).

It would have been obvious to one of ordinary skill in the art to modify the reference of Jackson et al with the teaching of Smith for utility.

However, Smith is silent with respect to his brace (25, 42) having a slot.

Though Jackson et al disclose their slots as having a dimension to permit said brace to be *laterally* moveable relative to said fastener into a selected position and Smith is silent with respect to a slot, it would have been obvious to one having ordinary skill in the art to provide slots having a dimension to permit said brace to be *longitudinally* moveable relative to said fastener as a matter of optimization and experimentation.

**Re: Claim 16**, Jackson et al are silent with respect to a plurality of isolation pads.

Attention is directed to Smith who teaches his isolation pads (40, Fig. 3) mounted to his platform (21) whereby his platform has a plurality of layers separated by his plurality of isolation pads, said pads having an equal weight distribution thereon (Para. 0022 - 0023) for damping of vibrations as known in the art.

It would have been obvious to one of ordinary skill in the art to modify the reference of Jackson et al with the teaching of Smith for user comfort.

**Claims 17 - 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ericson et al (5,564,529) in view of Jackson et al.

Ericson et al disclose an elevator car assembly (14, Fig.'s 1 and 2) comprising:

- a platform (46) comprising a plurality of sheets (56, 58, and 62) upon a plank beam (36);
- wherein the frame includes at least one brace (44) extending between the platform and an upright (38) secured to the plank beam;
- said brace to adjust the platform position;
- a cab (32) secured to the platform;
- the car assembly supported in a hoistway (12) and a position of the platform relative to the plank beam adjusted to thereby level the assembly within the hoistway.

Though Ericson et al are silent with respect to selectively distribute a platform weight over the plank beam to thereby balance the car assembly, in as much as his platform assembly extends along opposing sides of his vertical upright and his frame comprises a pair of braces (44) on opposing sides of his platform for stabilization (Col. 3, L. 62), the construction of Ericson inherently distributes a platform weight over a plank beam.

However, Ericson et al are silent with respect to:

- adjusting the position of the platform with respect to the plank beam; and

- supporting a car assembly in a hoistway and subsequently adjusting a position of the platform relative to the plank beam to thereby level the assembly within the hoistway.

Attention is directed to Jackson et al who teaches adjusting a position of his platform relative to a plank beam, by means of a brace, wherein said adjustment affords leveling of his assembly of his elevator car in a hoistway (Col. 6, L. 53 – 57), for feature of final assembly in the field prior to commissioning.

With respect to methods of assembling, in that the car assembly of Ericson et al as modified by Jackson et al contains the elements and their interdependence as cited in the claim language, It would have been obvious to one of ordinary skill in the art to modify the reference of Ericson et al with the teachings of Jackson et al for utility.

### ***Response to Arguments***

Applicant's arguments with respect to **Claims 1 and 17** have been considered but are moot in view of the new ground(s) of rejection.

With respect to **Claim 16**, applicant's arguments with respect to the isolation pads of Smith not being applicable to the invention of Jackson et al are not persuasive. The use of damping means for rider comfort is pertinent to the field of invention of Jackson et al from which the prior art teaching said damping means was drawn as well. That the apparatus of Jackson et al may require minor modification(s) to accommodate the damping means - whether of identical or similar form - as taught by Smith, the concept of damping would have been obvious to one having ordinary skill in the art.

With respect to Jackson et al and the limitation "for balancing said assembly", in that Jackson et al reviews a final adjustment of his braces prior to securely tightening his fasteners, Jackson et al discloses the need for alignment prior to accepting a load.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Suchodolski et al (5,325,937) and Himes (1,907,967) are cited for isolation and balancing of elevator car assemblies, respectively.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Kruer whose telephone number is 571.272.5913. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571.272.6856. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

/Stefan Kruer/

Examiner, Art Unit 3654

8 November 2008

/Peter M. Cuomo/

Supervisory Patent Examiner, Art Unit 3654